

VIRGINIA:

IN THE FAIRFAX COUNTY CIRCUIT COURT

SHAQUANA T. ORR,

Plaintiff,

v.

WEGMANS FOOD MARKETS, INC.

Defendant.

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CL 2013-14747

NOTICE OF FILING OF NOTICE OF REMOVAL

Defendant Wegmans Food Markets, Inc.,¹ by counsel, hereby notifies this Court pursuant to 28 U.S.C. § 1446(d) that Defendant has removed this action to the United States District Court for the Eastern District of Virginia, Alexandria Division. Defendant's Notice of Removal is attached as Exhibit A.

Pursuant to 28 U.S.C. § 1446(d), the filing of the Notice of Removal in the United States District Court for the Eastern District of Virginia, Alexandria Division, together with a filing of the copy of the Notice of Removal in this Court as attached to this Notice, effects the removal of the above-styled action.

WEGMANS FOOD MARKETS, INC.
By Counsel

¹ Plaintiff initiated this suit against two named defendants: Wegmans Food Markets, Inc. and Wegmans Food Market (Potomac). Wegmans Food Market (Potomac) is not an entity, only a location for Wegmans Food Markets, Inc.



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By



Alex M. Mayfield, VSB No. 76056
Counsel for Defendant

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true copy of the foregoing Notice of Filing of Notice of Removal was sent via facsimile this 13th day of January, 2014 to:

Jacqueline C. Smith, Esq
8996 Burke Lake Rd., Suite 304
Burke, Virginia 22015
703-323-7224
Counsel for Plaintiff



Alex M. Mayfield

VIRGINIA:

IN THE CIRCUIT COURT FOR THE COUNTY OF FAIRFAX

SHAQUANA T. ORR

Plaintiff,

v.

WEGMANS FOOD MARKETS, INC.
Registered Agent:
Corporation Service Company
Bank of America Center, 16th Floor
1111 East Main Street, 16th Floor
Richmond, VA 23219

and

WEGMANS FOOD MARKET (POTOMAC)
14801 Dining Way
Woodbridge, VA 22191

Defendants.

At Law No. 2013-14747

FILED
CIVIL INTAKE
2013 SEP 23 AM 11:13
JOHN T. FREY
CLERK, CIRCUIT COURT
FAIRFAX, VA

COMPLAINT

COMES NOW, the Plaintiff, by Counsel, and moves this Honorable Court for judgment against the Defendants, jointly and severally, on the grounds and in the amount set forth below:

1. On September 24, 2011, the Plaintiff, Ms. Shaquana T. Orr, was shopping at the Wegman's Food Market located 14801 Dining Way in Woodbridge, Virginia.
2. At the same time and place, Ms. Orr did slip and fall on a wet floor in the store.
3. As a result, Ms. Orr did sustain injuries.

COUNT I
Negligence

4. Paragraphs 1 through 3 are incorporated herein as if fully recited.
5. The defendants as owners, occupiers and/or operators of the relevant premises had a duty to exercise ordinary care to maintain the common areas of the premises in a safe condition for the use of the Plaintiff and others similarly situated.
6. The defendants breached this duty owed to the Plaintiff when they created an unsafe condition on the premises; allowed an unsafe condition to exist on the premises; failed to warn the Plaintiff about this unsafe condition; failed to remove the unsafe condition; failed to cordon off the dangerous condition; and/or failed to reroute traffic away from this unsafe condition.
7. As a direct and proximate result of the negligence of the defendants, the Plaintiff was injured.

COUNT II
Negligence per se

8. Paragraphs 1 through 7 are incorporated herein as if fully recited.
9. The defendants as owners, occupiers, and/or operators of the premises had a duty to maintain the premises in accordance with the standards contained in the BOCA National Building Code, the Council of American Building Officials, the Virginia Uniform Standard Building Code, the National Property Maintenance Code,

the Prince William County Code and all other applicable ordinances, codes, and laws.

10. The defendants failed to maintain the premises in accordance with the standards contained in the aforementioned codes. Such standards included but were not limited to the requirement to maintain the premises in a safe condition; keep the premises free from dangerous conditions and/or to remove dangerous conditions from the premises.
11. The Plaintiff was in a class of people that these codes were intended to benefit and protect. Due to the defendants' failure to comply with the applicable codes, the Plaintiff was not benefited or protected and was in fact injured.
12. The injuries sustained by the Plaintiff were of the kind of harm for which these codes were designed to protect.
13. The defendants' failure to properly maintain the premises in accordance with the standards contained in these codes is negligence *per se* and is a direct and proximate cause of the Plaintiff's injuries.

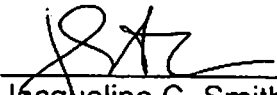
WHEREFORE, as a result of the injuries sustained by the Plaintiff as a proximate result of the negligence, negligence *per se* and/or breach of contract by the defendants as recited herein, the Plaintiff demands judgment against the Defendants, jointly and severally, in the sum of ONE HUNDRED THOUSAND DOLLARS (\$100,000.00), her costs in this action along with interest from

September 24, 2011 and for such other relief that this Court may deem just and proper.

TRIAL BY JURY IS DEMANDED.

SHAQUANA T. ORR
By Counsel

TURBITT, O'HERRON & LEACH, PLLC



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